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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,872	09/13/2000	Hartmund Terletzki	00P7882US	7001

7590 07/25/2003

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EXAMINER

NGUYEN, MINH T

ART UNIT

PAPER NUMBER

2816

DATE MAILED: 07/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/659,872	TERLETZKI ET AL.
	Examiner Minh Nguyen	Art Unit 2816
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<b>Period for Reply</b>		
<b>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</b>		
<ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>		
<b>Status</b>		
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>09 May 2003</u> .		
2a) <input checked="" type="checkbox"/> This action is <b>FINAL</b> .      2b) <input type="checkbox"/> This action is non-final.		
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.		
<b>Disposition of Claims</b>		
4) <input checked="" type="checkbox"/> Claim(s) <u>2-30</u> is/are pending in the application.		
4a) Of the above claim(s) _____ is/are withdrawn from consideration.		
5) <input checked="" type="checkbox"/> Claim(s) <u>2-8</u> is/are allowed.		
6) <input checked="" type="checkbox"/> Claim(s) <u>9 and 15-30</u> is/are rejected.		
7) <input checked="" type="checkbox"/> Claim(s) <u>10-14</u> is/are objected to.		
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.		
<b>Application Papers</b>		
9) <input type="checkbox"/> The specification is objected to by the Examiner.		
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>12 April 2002</u> is/are: a) <input checked="" type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).		
11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.		
If approved, corrected drawings are required in reply to this Office action.		
12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.		
<b>Priority under 35 U.S.C. §§ 119 and 120</b>		
13) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).		
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:		
1. <input type="checkbox"/> Certified copies of the priority documents have been received.		
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.		
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).		
* See the attached detailed Office action for a list of the certified copies not received.		
14) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).		
a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.		
15) <input type="checkbox"/> Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.		
<b>Attachment(s)</b>		
1) <input type="checkbox"/> Notice of References Cited (PTO-892)		
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>17</u> .		
4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.		
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)		
6) <input type="checkbox"/> Other: _____.		

## DETAILED ACTION

1. Applicants' amendment filed on 5/9/03 has been received and entered. Claims 2-30 are pending. The prior art rejections to claims 9 and 15-30 are still believed to be proper, and therefore, are remained and repeated for the reasons set forth below. This action is FINAL.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 15-30 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,748,024, issued to Takahashi et al.

As per claim 9, Takahashi discloses a level shifting circuit (Fig. 4), comprising:

an input node 31 to receive an input signal, the input signal varying between a first voltage level and a second voltage level (see Fig. 5);

a first n-channel transistor 23 having a first source/drain region, a second source/drain region and a gate, the gate being coupled to the input node 31;

a second n-channel transistor 24 having a first source/drain region coupled to the second source/drain region of the first n-channel transistor, a second source/drain region coupled to a second voltage level reference node VSS and a gate coupled to a first enable signal node 32;

a first p-channel transistor 22 having a first source/drain region coupled to the first source/drain region of the first n-channel transistor, a second source/drain region and a gate coupled to the input node 31;

a second p-channel transistor 21 having a first source/drain region coupled to the second source/drain region of the first p-channel transistor, a second source/drain region coupled to a third reference node VDD and a gate coupled to a second enable signal node (the output terminal node of the inverter 13), the third reference node carrying a third voltage level, the third voltage level being different than the first voltage level (Fig. 5).

As per claim 15, Takahashi further discloses a signal carried at the first enable signal node is an inverted version of a signal carried at the second enable signal node (by the inverter 13).

As per claim 16, Takahashi further discloses an inverter 13 coupled between the first enable signal node and the second enable signal node, the inverter including a level shifting circuit (the inverter 11).

As per claim 17, Takahashi further discloses the inverter 13 includes an input coupled to the first enable signal node 32 and an output coupled to the second enable signal node (at the gate of transistor 21).

As per claim 18, Takahashi further discloses the third voltage level is greater than the first voltage level (because VDD must be larger than the input voltage).

As per claim 19, since Takahashi circuit can function when the third voltage level is 2.5 volts and the first voltage level is 2.1 volts, the recited limitation is met.

As per claim 20, Takahashi discloses a level shifting circuit (Fig. 4) comprising:

a level-shifting section (transistors 22 and 23) responsive to an input logic signal 31, the input logic signal varying between a first voltage level LOW and a second voltage level HI, the level-shifting section providing an output logic signal OUTPUT at an output terminal 33 thereof, the output logic signal varying between the first voltage level LOW and a third voltage level (VDD less the voltage drop across transistors 21 and 22), the third voltage level being different than the second voltage level (because VIN high is not the same as VDD less the voltage drop across transistors 21 and 22);

a first reference voltage node VSS carrying a voltage at the first voltage level LOW;

a third reference voltage node VDD carrying a the third voltage level VDD; and

an enable/disable section (transistors 24 and 21) including a first portion (transistor 24 coupled between the level shifting section and the first reference voltage node VSS and a second portion (transistor 21) coupled between the level shifting section and the third reference voltage node VDD, the enable/disable section being responsive to an enable/disable signal 32, the enable/disable section causing the output terminal to be placed. at a relatively high output impedance condition independent of the logic state of the input logic signal in response to a disable mode indication from the enable/disable signal (see Fig. 5).

As per claim 21, Takahashi further discloses the first voltage level LOW and the third voltage levels VSS are representative of a first logic state and wherein the second voltage level HI is representative of a second logic state.

As per claim 22, Takahashi further discloses the level-shifting section comprises:

a first transistor 22 with a current path coupled between the third reference voltage node VDD and the output terminal 33; and

a second transistor 23 with a current path coupled between the output terminal 33 and the first reference voltage node VSS.

As per claim 23, Takahashi further discloses the enable/disable section comprises:

a third transistor 21 with a current path coupled in series the current path of the first transistor 22, the current path of the third transistor 21 coupled between the third reference voltage node VDD and the first transistor; and

a fourth transistor 24 with a current path coupled in series the current path of the second transistor 23, the current path of the fourth transistor 24 coupled between the first reference voltage node VSS and the second transistor.

As per claim 24, Takahashi further discloses both the third and fourth transistors are rendered conductive when the enable/disable signal indicates that the level shifting circuit is in an enable mode and wherein both the third and fourth transistors are rendered non-conductive when the enable/disable signal indicates that the level shifting circuit is in the disable mode (see Fig. 5).

As per claim 25, Takahashi discloses the first portion of the enable/disable section comprises a first switch (transistor 24) between the level shifting section and the first reference voltage node VSS and wherein the second portion of the enable/disable section includes a second switch (transistor 21) coupled between the level shifting second and the third reference voltage node VDD.

As per claim 26, Takahashi further discloses an inverter 13 coupled between a control terminal of the first switch and a control terminal of the second switch.

As per claim 27, Takahashi further discloses the inverter 13 includes an input coupled to the control terminal of the first switch and an output coupled to the control terminal of the second switch (as shown).

As per claim 28, since all the elements in the Takahashi are connected, the inverter 13 is coupled to the third reference voltage node.

As per claim 29, Takahashi further discloses the inverter 13 includes a level shifter (the inverter 11 coupled to the third reference voltage node VSS and to a voltage node at the first voltage level.

As per claim 30, Takahashi further discloses the first and second switches comprise MOS transistors (as shown).

#### ***Response to Arguments***

3. Applicant's arguments filed on 5/9/03 have been fully considered but they are not persuasive.

The Applicants argue claim 9 is not anticipated by the Takahashi reference because:

- a) the reference does not teach the third voltage level being different from the first voltage level,
- b) the circuit shown in Fig. 4 is a buffer circuit, not a level shifting circuit as claimed.

The Examiner responses:

- a) the input signal 31 varies between ground and VDD (as the Applicants are freely admitted, see page 12, lines 1-2, paper #18), consider the first voltage level is ground and the third voltage level is VDD, it is clear that ground is different from VDD.
- b) apparatus claim must be structurally distinguishable from the prior art (MPEP 2114), since the claimed circuit (claim 9) does not have any structurally distinguishable from the Takahashi's circuit, the claimed circuit is considered anticipated by the reference circuit. Naming a circuit with different name is not patentable.

The Examiner further notes that the combination shows in Fig. 1A can be seen as a level shifting circuit, see the title of the reference.

The same response applied to the argument regarding claim 20.

***Allowable Subject Matter***

- 4. Claims 2-8 are allowed and claims 10-14 are objected to but would be allowable for the reasons noted in the previous Office Action.

***Conclusion***

- 5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

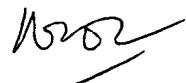
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Nguyen whose telephone number is 703-306-9179. The examiner can normally be reached on Monday, Tuesday, Thursday, Friday 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Callahan can be reached on 703-308-4876. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9318 for regular communications and 703-872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



Minh Nguyen  
Primary Examiner  
Art Unit 2816

MN  
July 23, 2003